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COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 40th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 25 February 1991, at 3 p.m.

Chairman:	Mr. MARTIUS	(Germany)
later:	Mr. BERNALES BALLESTEROS	(Peru)
later:	Mr. AMOO-GOTTFRIED	(Ghana)

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The meeting was called to order at 3.20 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT (agenda item 12) (continued) (E/CN.4/1991/3, 4, 27-32, 33 and Add.1, 34, 36, 37, 69, 70, 74 and 77; E/CN.4/1991/NGO/5, 27, 29-31, 34 and 35; S/21907; A/45/567, 578, 607, 630, 664 and 697; E/CN.4/1990/22 and Add.1, 24-26 and 28 and Add.1)

1. Mr. BABIC (World Association for World Federation) said that, in the difficult situation arising from the current political crisis in Yugoslavia, the Serbs living in Croatia wished to remain in the Federation, believing that such a form of State Constitution was the best safeguard for the equality of all. Although Yugoslavia had been divided into federal units, the one-party system created after the Second World War had prevented the positive effects of the Constitution from being felt. The formation of the Croatian federal unit from the former regions of Croatia, Slavonia and Dalmatia and the territory of Vojna Krajina had meant that the Serbs became a minority in that unit.

2. Their situation, which had not been good under the former Communist authorities, had not improved following the first multi-party elections in 1990. The victor parties had proclaimed Croatia to be a State of exclusively Croatian people, and the official use of Serbian had been abolished, as had the right of community autonomy, although still guaranteed by the Federal Constitution. Such institutionalized chauvinism, which included the formation of exclusively Croatian military and police forces, had led to grave violations of human rights.

3. The Serbs in Croatia opposed the secession of Croatia from Yugoslavia, and had founded the Serbian National Council, representing political, religious and cultural institutions, which had organized a referendum in which the Serbs had voted, in August 1990, for autonomous status as expressed in the Statute of Krajina.

4. He himself was President of the Serbian National Council and, in the name of the World Serbian Union, he wished to declare that the constitutional order of Federal Yugoslavia could be upheld only by the self-determination of all the Yugoslav peoples, and that the Serbs, living in their traditional territories throughout Yugoslavia, had the right to be part of one country. In that respect, the Serbs in Croatia had expressed their will, in the August 1990 referendum, in accordance with the spirit and the conventions of the United Nations.

5. Mr. TEITELBAUM (American Association of Jurists) said that although there had been human rights violations in Kuwait even before the invasion, the situation there had worsened considerably following Iraq's aggression. That was not surprising, in view of the Iraqi régime's record of massive and systematic human rights violations in its own country, which many NGOs had

been denouncing in vain for some time. Such situations could prevail as long as geopolitics and business, including arms sales, took priority over human rights.

6. The Security Council had reacted to the invasion of Kuwait with commendable speed, but it might be wondered whether its actions were strictly in accordance with the provisions of the Charter. It had been asserted that there was a parallel between Security Council resolution 678 (1990) and the Council's action in 1950 in the case of Korea. The latter case had, however, involved a military conflict between the two Koreas, and the Security Council's recommendation that the Member States should help the Republic of Korea to resist an armed attack had been based on Articles 51 (inherent right of individual or collective self-defence) and 39 (recommendations in the case of an act of aggression). That had not been the situation with regard to Kuwait and Iraq at the time of the adoption of resolution 678 (1990).

7. By analogy with criminal law, for any defence against aggression to be legitimate, the aggression must be unlawful and still taking place. At the time the Security Council had adopted resolution 678 (1990), however, the aggression, though still unlawful, had ended, and the situation should have been dealt with pursuant to Articles 42 et seq. of the Charter, using as appropriate the mechanisms of the Military Staff Committee, as mentioned in resolution 665 (1990).

8. Such disregard for the Charter had had the gravest consequences for the human rights of Kuwaitis, Iraqis and other peoples of the region. Not only was the military campaign utterly beyond the Security Council's control, but the scale and duration of attacks such as those carried out by the coalition's air forces, including the use of napalm, violated the Geneva Conventions and the Additional Protocols. Iraq, too, had violated those instruments by launching missile attacks against the Israeli and Saudi peoples; but aerial campaigns of mass terror and destruction were being waged against Baghdad and other Iraqi cities.

9. The swiftness of the progression from condemnation to embargo and thence to war, even against the views of some United States military and political leaders who would have preferred to wait for up to a year to assess the effects of sanctions, contrasted with the tardiness in other cases, such as the occupation of Namibia. It seemed as if the true motive was less defence of the Kuwaitis' human rights than concern for the region's oil resources. There was also, of course, the prospect of lucrative post-war reconstruction contracts.

10. Control of the crisis was utterly out of the hands of the world community. The United States had not only assumed sole charge of military operations but was reserving to itself the right to decide how long the war should last. When Iraq had announced its readiness to withdraw from Kuwait in response to Security Council resolution 660 (1990), the United States Government, with the coalition's consent, had issued an ultimatum and initiated the land attack without even awaiting the outcome of the Security Council's meeting. The international community must act swiftly to regain control of the situation on the basis of strict observance of the Charter; if the Security Council persisted in failing to exercise its mandate, the General Assembly should assume its responsibilities pursuant to Article 10 and Article 11, paragraph 2 of the Charter.

11. The belligerents should be urged to respect international humanitarian law; there must be an immediate end to hostilities and compliance with Security Council resolution 660 (1990), in accordance with the procedures established by the Security Council and the General Assembly, and an international conference should be convened for a peaceful solution to the conflicts in the Middle East. Unless the Commission called for action along those lines, it would have contributed, through its silence, to the discrediting of the United Nations in world public opinion.

12. The American Association of Jurists, and the Brazialian Bar Association, invited the principal international organizations of jurists to consultations on peace in the Middle East, to be held at Brasilia from 12 to 15 March 1991.

13. Ms. SLESZYNSKA (Christian Democratic International) said that, since the Turkish invasion of Cyprus in 1974, some 2,000 persons had disappeared. The international community must not allow their names to be forgotten or disregard the other atrocities attributable to the occupying forces. Her organization noted with satisfaction that the Commission, as well as the General Assembly and the Security Council, had heeded the just claims of Cyprus, and hoped that the Council's relevant resolutions would be swiftly and faithfully implemented, just as all those relating to the Middle East should be.

14. The efforts of the Estonian, Latvian and Lithuanian peoples to reassert the sovereignty, denied them since their forced annexation to the Soviet Union in 1940, and to exercise their citizens' legitimate right of conscientious objection to service in a foreign army, were meeting with violent repression. The world had learned of incidents including action by armed forces against unarmed civilians, resulting in the killing of 13 youths on 13 January 1991.

15. The recent positive changes in the Great Lakes region of Africa gave grounds for hope, despite the difficulties between Rwanda and Uganda. Her organization welcomed the Rwandese Government's offer of full amnesty. A similar positive trend was discernible in Zaire, although there was some divergence between official statements and the facts as reported by others. With regard to the tragic events of May 1990 at Lubumbashi University, the Commission had doubtless taken note of President Mobutu's statement, on 31 December 1990, that there would be no difficulty in enabling a member of the Commission to visit the country to observe the progress of the relevant legal proceedings. That was an invitation that should be promptly taken up.

16. Her organization, which was well represented in many Latin American countries, urged the international community to intensify its support for the people and democratically elected Government of Chile. While not overlooking the need to denounce individual cases of violations, it gave priority to the search for lasting solutions to conflicts by means of dialogue. In that connection, it welcomed the efforts of President Chamorro of Nicaragua to introduce the requisite measures to safeguard the people's human rights. Nevertheless, it could not agree with the Nicaraguan Government's recommendation, referred to in paragraph 294 of the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1991/20), that the Working Group should not keep outstanding cases in its files since according to Nicaraguan internal legislation such cases would not be investigated and those responsible for them would not be punished.

17. While the concern for national reconciliation was understandable, such a course would amount to a failure by Nicaragua to honour its commitments under the international human rights instruments to which it had subscribed. She hoped that the member organizations of the Coalition against Impunity would adopt the same measures as in the cases of Argentina, Chile, El Salvador and others.

18. As had been shown in the report of the United Nations Mission to Cuba (E/CN.4/1989/46), the Cuban Government was maintaining its policy of repression against human rights activists, ignoring all peaceful and respectful petitions for open, constructive debate among Cubans with a view to a peaceful transition to democracy. Her organization urged all democratic Governments, especially those in Latin America, to show solidarity with the people of Cuba by proposing a resolution whose provisions included the appointment of a special rapporteur on that country.

19. Mr. BENHIMA (Morocco) said that, despite the current grave events, the international community was making great steps towards achieving a world of freedom, justice and peace, which alone would enable people everywhere to achieve economic and social progress. Peace was essential for the adoption of legislation which would protect human rights and dignity. The upholding of respect for human rights was a task for the entire community. In that sense, His Majesty King Hassan II of Morocco, addressing the nation on the inauguration of the Advisory Council for Human Rights in May 1990, had warned that, as experience in many countries had shown, measures to promote human rights could be abused through human nature or legal loopholes, and that only if every citizen had the means to defend his rights against anyone else, whoever he might be, could the country truly be said to be a State subject to the rule of law.

20. The Advisory Council, at its recent third meeting, had proposed, in three memoranda addressed to His Majesty, a number of proposals. The first memorandum, relating to the situation in prisons, contained a number of proposed legislative texts as well as recommending practical measures such as the establishment of local surveillance commissions, improvements to premises, priority for preliminary hearings relating to persons in custody, measures to extend the scope of the Royal Pardon and an integrated training service for personnel.

21. The second memorandum dealt with press and public relations, including contact with United Nations bodies and non-governmental organizations. The third memorandum contained proposals relating to human rights training in ministerial schools and institutes, monitoring of the criminal investigation police and an increase in the number of judges. Those proposals by the Advisory Council reflected Morocco's determined efforts to become a State subject to the rule of law.

22. Mr. GHEORGHE (Romani International Union) said that RIU and the International Federation of Human Rights represented the interests of the 10 to 12 million Roma living in almost all European and American countries and known as gypsies and by various other names. In some Eastern European countries they formed large minorities. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had acknowledged that gypsies remained the worst treated minority in various European countries, and that

probably half a million of them had been murdered by the Nazis during the Second World War; in its resolution 6 (XXX), it had appealed to countries which had Roma within their borders to accord them, if they had not already done so, all the rights enjoyed by the rest of the population.

23. Since 1977, there had been some progress in regard to basic freedoms and cultural rights, particularly in Yugoslavia and the States members of the Council of Europe. Recent political changes in Eastern Europe had allowed the Roma to form their own political and cultural associations and to promote parliamentary representation in Romania, Hungary and the Czech and Slovak Federal Republic, they had also led to a new wave of discrimination and hatred. Examples included attacks by skinheads in Czechoslovak towns and villages, continuing programmes of sterilizing of Roma women in that country, and violent incidents in Romania and Hungary. Those incidents had been reported to the Sub-Commission; in addition, the Special Rapporteur on the situation of human rights in Romania had mentioned in his report (E/CN.4/1991/30) a variety of violations of the Roma people's individual and collective rights.

24. Information about attacks against the Roma in Hungary had also been provided by the Hungarian-based human rights association "Raoul Wallenberg" and the Roma association "Phralipe". Tolerance of such violations of existing laws could endanger the new democracies of Eastern Europe.

25. Instances of physical violence against Roma had occurred in some Western European countries too; settled Roma were harassed into moving, while travelling Roma families encountered legal and administrative restrictions on their freedom of movement. The old alleged "gypsy threat" had been revived following the recent mass exodus of Roma from some Eastern European countries, especially to Germany, Austria and France; tension continued to mount in view of the German authorities' expulsion programmes.

26. In most countries, Roma families and communities faced numerous problems relating to economic, social and cultural rights. Levels of employment, housing, schooling and even life expectancy were lower for them than for the rest of the population. Attempts by government agencies in various countries to improve social status and self-help for Roma communities were hindered by a long tradition of anti-gypsy mentality and practice. The Special Rapporteur on the situation of human rights in Romania had observed that the gypsy community seemed very marginalized, distrusted and scorned. Recent cases had heightened concern about the growth of ethnic tensions and instability, especially in Eastern European countries.

27. Roma communities presented a case in which the exercise of individual rights and basic freedoms depended on the granting of collective rights and on combating prejudice. Although current Governments could not be blamed for a situation inherited from the past, a special effort was required to recognize the Roma identity and equality of rights, including the right to development.

28. Measures at individual country level were not enough. Roma and Sinti people, although citizens of the particular States in which they lived, had enduring cultural ties across the borders of many countries. Genuine international co-operation was thus needed, including regional co-operation on certain problems such as travelling rights or the situation of refugees; and international organizations, including the United Nations, should provide enhanced assistance.

29. To that end, the Commission was asked to encourage the special rapporteurs to pay due attention to the conditions of Roma communities; to urge the relevant Governments to continue to take all appropriate measures to promote the Roma people's human rights and fundamental freedoms; to recommend that Governments should, as necessary, request advisory services and technical assistance - for which task the Centre for Human Rights could perhaps design a special project, including a seminar and workshop; and to recommend that interested governmental and non-governmental organizations should consider ways to foster a greater contribution and responsible participation by the Roma communities themselves in the protection and promotion of their rights and freedoms.

30. Mr. PASTOR RIDRUEJO (Special Representative), introducing his final report to the Commission on the situation of human rights in El Salvador (E/CN.4/1991/34), said that he remained convinced of the commendable interest of President Cristiani and other constitutional authorities in El Salvador in improving the human rights situation in the country. However, although that interest had undoubtedly been reflected in a decline, relative to the previous year, in the number of serious human rights violations - particularly after the signing of the San José Agreement on 26 July 1990 - it was undeniable that serious and disturbing violations still continued.

31. Politically motivated summary executions attributed to members of the armed forces and civil defence units persisted as did those attributed to "death squads", which were considered by the majority of sources to be connected with the military and security forces, or tolerated by them. Cases of politically motivated disappearance were continuing to occur, although it was difficult to determine the number of such cases and the identity of the kidnappers.

32. Persons detained for political reasons were subjected to extrajudicial interrogations and to physical and psychic pressures equivalent to cruel, inhuman or degrading treatment although, taking into account all the testimony which he had heard in El Salvador in October 1990, such practices were not generalized, nor did they represent Government policy.

33. With regard to the functioning of the criminal justice system, the Salvadorian courts had, in 1990, handed down sentences for politically motivated crimes perpetrated years earlier. Moreover, during his visit to the Santa Ana Penitentiary, he had spoken to former members of the military and security forces who were currently serving sentences. Those facts demonstrated that the alleged impunity of the armed forces was not absolute.

34. However, many other judicial proceedings arising from serious human rights violations had been conducted in a very unsatisfactory manner. In his view, the armed forces had not fully co-operated with the preliminary investigation into the November 1989 assassination of Father Ellacuria and other persons; important evidence had even been destroyed. Serious doubts existed with regard to the possible involvement in the murders of higher-ranking members of the armed forces than those currently on trial, doubts which had not been dispelled in spite of the technical competence and professionalism of the examining magistrate. Furthermore, in the absence of international scrutiny, there had been no significant progress made in many criminal proceedings.

35. In his view, the defects of the Salvadorian criminal justice system were to be found more at the level of investigation and fact-finding than at the judicial level per se. It would be appropriate, therefore, to establish a police body with investigative powers which would be directly subordinate to the judicial branch.

36. The armed conflict had intensified in the final months of 1990 as a result of guerrilla offensives and the response of the armed forces. The civilian population in the conflict zones was facing severe hardships. The armed forces had caused deaths and injuries among civilians, not indiscriminately or intentionally, but through negligence; the number of such deaths was difficult to determine, although it was lower than in the previous year. According to some reports, the armed forces had committed acts which were in violation of the Second Protocol additional to the Geneva Conventions of 1949, such as summary executions of guerrilla fighters and of captured medical personnel.

37. Violations of human rights had also been attributed to the Frente Farabundo Martí para la Liberación Nacional (Farabundo Martí National Liberation Front) (FMLN). FMLN had carried out summary executions and kidnappings of members of the armed forces or their presumed collaborators, caused accidental civilian deaths and injuries, carried out the recent summary execution of two United States advisers after shooting down their helicopter, and continued its attacks on the country's electric power stations, despite its announced suspension of acts of sabotage in March 1990. In November 1990, FMLN had reportedly launched new attacks on transportation and communication networks.

38. Mention should also be made of the massacre on 21-22 January 1991 at El Zapote, in which 15 members of the Aragón family had died. Although the information at his disposal was too scanty to enable him to state who the perpetrators had been or to affirm that the crime was politically motivated, it was nevertheless indicative of the troubling atmosphere of violence which prevailed in El Salvador.

39. He was convinced that the eradication of human rights violations in El Salvador was inextricably linked to the cessation of the armed conflict between the military and the guerrilla organizations. Once again, therefore, he appealed to the parties, with even greater urgency, to display realism and imagination in the process of dialogue and negotiation currently under way, with a view to achieving a just and lasting peace in the shortest possible time. What was really important was for both sides to implement fully the Agreement on human rights, without waiting for the United Nations Verification Mission in El Salvador to begin its work and to agree on an immediate ceasefire.

40. Mr. THOMSON (World University Service) said that his organization continued to follow the human rights situation in El Salvador with great concern. The country had been completely militarized, with the smaller towns being turned into military garrisons. That situation had led to many extrajudicial and summary executions, disappearances, politically motivated detentions, clandestine gaols and torture. The impunity with which the armed forces acted was clearly reflected in the history of the unsatisfactory judicial system. Because the military officers responsible for previous

massacres and summary executions had not been punished for their acts, they had continued to occur, the best known cases being those of the assassinated Jesuit priests and, more recently, the massacre of 15 peasants on 21 January 1991 at El Zapote.

41. Because the international community's attention was focused on El Salvador, the military hid its atrocities by making them appear to be common crimes. Thus, for example, Professor Vilma Chávez had been strangled to death in her home, on 21 October 1990, shortly after soldiers of the Atlacatl Battalion had requested from the local Ministry of Education a list of teachers in the town who had supported the teachers union.

42. Such information indicated that the only way to improve the human rights situation in El Salvador was to resolve the fundamental structural problems. The best opportunity in recent history for doing so was the current negotiating process between the Government and FMLN, under the auspices of the Secretary-General. Only when the role of the armed forces in society had been reduced and controlled and the civilian structures, including the judicial system, strengthened could the human rights situation be expected to improve. He called upon the Commission to maintain the mandate of the Special Representative and urged both the parties involved in the negotiating process to make all possible efforts to reach agreement.

43. His organization was also concerned at the continuing practice of torture and enforced or involuntary disappearances in Guatemala. A most alarming aspect of torture there was the systematic use of rape against women. While there was abundant testimony to the existence of such a practice, victims seldom presented their cases to the courts or to human rights organizations.

44. The report of the independent Expert (E/CN.4/1991/5) clearly showed that the fundamental obstacle to the improvement of the human rights situation in Guatemala was the role of of the Guatemalan army. Despite the hope expressed in the addendum to that report (E/CN.4/1991/5/Add.1) that the new Government might have the will and the means to exert control over the military and security forces, recent reports indicated that the repressive trend continued unabated.

45. For that reason, he had noted with surprise that document E/CN.4/1991/5/Add.1 did not mention that all the popular organizations referred to in paragraph 5 had requested the Expert to transmit their demand that the Commission should appoint a special rapporteur under its agenda item 12. In the past, the existence of a special rapporteur had generated some concrete positive developments in Guatemala, while the appointment of an Expert and the provision of advisory services in the field of human rights under agenda item 21 had been accompanied by a deterioration in human rights. His organization deeply regretted the decision by the Commission at its previous meeting not to appoint a special rapporteur under item 12.

46. Turning to the human rights situation in Colombia, he said that information had been received concerning the assassinations of eight persons between 21 January and 13 February 1991, as well as the disappearance of a leader of the teachers association in Bogota.

47. The continuing crisis in Sri Lanka had taken a heavy toll in human lives, particularly among the student population, and had eroded the rule of law. The Sri Lankan Bar Association had undertaken to file and prosecute habeas corpus cases, a move necessitated by the high number of assassinations of and death threats against human rights lawyers, some of whom had been forced to flee the country. He appealed to the Commission to urge the Government of that country to end the armed hostilities and to express its serious concern at the continuing violations of human rights in Sri Lanka.

48. Ms. GAER (International League for Human Rights) said she wondered whether the Commission had truly exercised leadership in the field of human rights, undertaken substantial investigations and adopted measures to improve the plight of victims of human rights violations. Of the 10 countries examined publicly by the Commission under its agenda item 12, four - Afghanistan, El Salvador, Iran and Romania - had been assigned special rapporteurs or representatives who visited those countries, reported on the human rights situation and made recommendations to the Commission. By and large, the rapporteurs had identified the major problems in the countries they examined, although, as in the February 1990 report on Iran, political considerations sometimes obscured the results of the fact-finding.

49. In the case of Iran, a more balanced assessment had been made after a second visit in 1990. However, with regard to El Salvador and Afghanistan, the General Assembly and the Commission had often ignored the recommendations of their own special rapporteurs, adopting resolutions based more on political considerations than on the facts established by the rapporteurs. If the Commission had taken decisive action along the lines suggested in the reports, conditions in those countries might have improved.

50. The Commission had addressed the human rights situations in Haiti and Guatemala but, despite objective evidence of extensive violations, it had repeatedly chosen to discuss those issues under the agenda item on advisory services, as if the torture and killing had abated. That had been a major lapse of leadership. The consideration of Haiti under agenda item 12 at the current session had restored some objectivity to the Commission's work.

51. Similarly, while a mechanism existed for finding missing persons in Cyprus, not even one case had been resolved after many years.

52. On the other hand, the Commission had displayed leadership in its consideration of Cuba.

53. It would be necessary to await the outcome of the current session to see whether two other countries - East Timor and Iraqi-occupied Kuwait - would become the object of scrutiny. In both cases, the abuses had begun following an invasion, which had destroyed the right to self-determination and the lives of each country's citizens.

54. The Commission had failed to take action in 1990 on a draft resolution on Iraq, whose pervasive abuses of human rights had been well documented by non-governmental organizations. Those reports, however, had been disregarded until the current session, when the Kuwaitis had presented chilling details of Iraqi torture techniques, murders and other abuses. She questioned whether anyone, except the delegation of Iraq, could be proud of the Commission's actions on the subject to date.

55. The Commission had also failed to take action at the previous session on a draft resolution on China, despite the massacre in Beijing which had shocked the world. The Chinese authorities had refused: to admit observers to attend the trials of student activists; to allow the defendants to prepare and present a defence; to investigate the killings during the June 1989 crackdown; to respect the rights of workers to form and join independent trade unions; to restore full protection for religious believers; and to acknowledge that scrutiny of human rights was not interference in the internal affairs of States, but a basic responsibility of the United Nations under its Charter.

56. The Commission had failed in the past to take action with regard to abuses in Sri Lanka, Turkey and Northern Ireland, to name but a few. She wondered how long the Commission would stand by while special troops resorted to lethal force against civilians in the Baltic States and elsewhere in the Soviet Union. In sum, the Commission still had a long way to go before it could even begin to claim the mantle of leadership in addressing human rights violations.

57. Mr. Bernales Ballesteros (Peru) took the Chair.

58. Mr. WARNES (International Association for the Defence of Religious Liberty) said that his organization had been concerned about the intensified persecution of religious minorities in Egypt over the past two years, particularly the recent arrests and torture of three young Egyptian converts from Islam to Christianity. Held in detention under the 1978 Emergency Act, they had been subjected to continuous verbal abuse, suspension by the arms, cigarette burns, beatings and electric shocks. Despite being declared innocent by judges at three separate hearings, the three had once again been detained by the Ministry of the Interior and the secret police. Current charges pending included "contempt of Islam" and "threatening the unity of the country", punishable by three and five years in prison, respectively.

59. In April 1990, Abdul-Hamid Beshari Abdul Mohesen had died from haemorrhaging after prolonged torture in prison. The prison officials had refused to provide a doctor unless he recanted his conversion to Christianity. His death certificate had been falsified to indicate that he had died in hospital.

60. The Emergency Act denied due process of law and undermined the role of the judiciary. The authorities were able to hold any citizen indefinitely without notification to family members or the right to counsel.

61. The persecution was not limited to converts to Christianity. Approximately 16 per cent of the Egyptian population belonged to the Orthodox Christian Coptic Church, which dated from the period before the Arab conquest of Egypt in the seventh century. Coptic Egyptians had experienced discrimination in employment and the denial of permits for the construction of churches. On 11 May 1990, a Coptic priest, his wife and three others had been assassinated, moments after leaving a church at Alexandria. At the funeral service, the security police had broken up a peaceful demonstration by Copts protesting at the growing violence against them by Muslim fundamentalists.

62. As a United Nations Member State, Egypt had a duty to respect and observe fundamental human rights and freedoms, including the freedom of religion. He therefore urged all delegations to join him in encouraging the Government of

Egypt to release promptly prisoners of conscience who had committed no violent crime, to rescind those portions of the Emergency Act which violated international standards of justice for the accused and to put an end to religious persecution and human rights abuses. He also requested the Special Rappporteur on religious intolerance to investigate the situation in Egypt and report to the Commission.

63. Mr. PARKER (Friends of the Earth International), also representing the Sierra Club Legal Defence Fund, said he wished to draw the Commission's attention to ecologically unsound practices that had an adverse impact on human rights in Guatemala. Excessive use of hazardous pesticides and of other hazardous chemicals and the destruction of natural forests had violated the right to life and to health of the indigenous peoples living there. Investigations of that situation, as indeed of the overall human rights situation in Guatemala, especially in the rural areas inhabited by indigenous peoples, had not been carried out because it had been impossible to guarantee the safety of the investigators.

64. In addition to fumigation programmes, the areas concerned were also subjected to air raids and artillery attacks. As pointed out in the report of the independent Expert on the situation of human rights in Guatemala (E/CN.4/1991/5), soldiers had set fire to homes, harvests, crops and churches and had destroyed domestic animals. While continuing to consider the human rights situation in Guatemala, the Commission should do so under the procedure provided for by Economic and Social Council resolution 1503 (XLVIII) and should appoint a special rapporteur to investigate, inter alia, allegations of ecological damage associated with military operations and the impact of those operations on the human rights situation in that country.

65. The Commission should also be alerted to the heavy damage caused to forests in Myanmar by uncontrolled logging, primarily by foreign companies. There appeared to be no plans for reforestation, and the once fertile forests and surrounding farm areas might well become desert wastelands. Many of the logging concessions were located in areas traditionally inhabited by ethnic minorities and thus jeopardized their rights.

66. The current régime in Myanmar was also granting fishing concessions to foreign companies that were using drift-nets to sweep the seabed of fish, thereby destroying the livelihood of hundreds of thousands of small fishermen. The Commission should appoint a special rapporteur to investigate the environmental situation in Myanmar.

67. In Mexico, foreign-owned manufacturing plants in northern regions used Mexican labour and materials from the United States, including toxins, to produce and export tariff-free goods back to the United States. Over the past 20 years, those operations had led to indiscriminate hazardous-waste emissions and had caused a host of other environmental problems. The border region from California to Texas was believed to be heavily polluted by buried toxic materials. The hazardous wastes had an adverse impact on the general environment, exposed workers and threatened public health and safety as a result of their storage for prolonged periods in urban areas.

68. Military conflict increased the chances of environmental damage. The pollution caused by oil, whether burning or adrift at sea, greatly imperilled the ability of the planet to sustain life, as did the use of defoliants,

pesticides and other chemical compounds in warfare. Those agents were not only devastating for human life, but might also alter the genetic composition of plants, animals and humans, cause cancer and other diseases and impair the productivity of the earth.

69. It was to be hoped that the Sub-Commission for Prevention of Discrimination and Protection of Minorities would investigate the impact of enviromental damage and human rights violations resulting from war and would make recommendations to the Commission on ways of addressing the need for additional standards to prohibit environmental warfare.

70. Mr. KAMAROTOS (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said his organization was particularly concerned about the flagrant and massive violations of human rights and the suffering of the innocent people of Iraq and Kuwait and criticized the Commission for its lack of a prompt response to serious human rights violations there. He drew attention, in particular, to the vulnerable situation of the Kurds, who might well be among the first victims of a ground war.

71. The invasion of Kuwait brought to mind the situation in Cyprus, a sovereign State that had been invaded in 1974 in an illegal act of aggression by Turkey. The time had come to prove that such flagrant violations of international law could not go on indefinitely and to remind the international community that the basic principles of the Charter of the United Nations could not be disregarded by its own members.

72. Reports from a number of NGOs indicated that the Government of Albania had conducted illegal executions and imprisonment and had forcibly dispersed throughout Albania the Greek minority living in predominantly Greek villages so as to destroy their ethnic identity. Attempts to escape from Albania into neighbouring countries had been punished by prison sentences of up to 25 years or death. Since the beginning of 1991, however, more than 13,000 people had fled Albania to Greece, the Albanian border guards having taken no steps to stop them.

73. That reflected a change in policy brought about by the storming of Western embassies by some 6,000 Albanians in the summer of 1990 and by more recent anti-Government riots and demonstrations. It had been reported that many of the people arrested in the wake of those demonstrations had been tried without the presence of a lawyer, and his organization urged the Government of Albania to make public information about those trials and about the hundreds of political prisoners still in the Spaç, Bater and Burrel labour camps. Thousands of demonstrators were currently protesting in Albania; according to the BBC, tanks had been used to repress the riots, and several demonstrators had been killed.

74. The Albanian régime had made a number of cosmetic changes so as to appease its citizens and international criticism. Yet, despite amendments to the Penal Code in May 1990, religion was still subject to repression.

75. Likewise in the name of reform, a political opposition group called the "Democratic Party" had been launched, and the Albanian Government had announced that free elections would take place on 31 March 1991, but there

were serious doubts that the opposition party was actually independent of the Communist Party. Furthermore, the régime had not accepted the proposal by the opposition that the elections be postponed for three months in order to give it time to organize its campaign. The Communists had made promises of further reforms in order to hang on to power, but no reform could have a real effect as long as the Communist Party and the State spoke with the same voice and the existing Constitution was still in force.

76. The massive flow of Albanians into Greece had, by some accounts, been brought on by intimidation, misinformation and rumours concerning jobs, property and free consumer goods awaiting them across the border. Those crossing the border had even spoken of a forced expulsion. With a view to the coming election, the Albanian Government clearly had an interest in ridding the country of as many as possible of the ethnic Greeks who comprised 15 per cent of the population. It had been widely reported that many of the Albanian villages bordering upon Greece were already deserted. The international community must not tolerate those egregious human rights violations. All Albanians, including the ethnic Greek minority, had the legitimate right to remain in their ancestral homelands and to build a political system based on the rule of law in which their dignity and human rights were respected. The Commission must continue its consideration of the situation in Albania until it received verifiable evidence that human rights were truly being respected.

77. Mr. ROA KOURI (Cuba) said that it was tragic that the diplomatic initiatives of the Soviet Union had not been allowed sufficient time to prevent the ground war from beginning. Once again, the hope that war would cease to be the cornerstone for international relations had been cruelly deceived. The "new order" proclaimed by the President of the United States increasingly resembled the one that Hitler's Germany had striven to impose upon the world and held grave threats for the small and defenceless countries of the third world.

78. Like the other members of the Security Council, Cuba had condemned the invasion, occupation and annexation of Kuwait by Iraq and had worked in favour of a non-military solution to the Gulf conflict, beginning with the withdrawal of all Iraqi forces from Kuwait. It had then sought to have the Security Council put an end to the loss of life and the destruction brought about by the massive bombings of Iraqi cities and by other military actions that had affected the civilian population of the countries in the region and had spoken out in favour of restoring Kuwait's independence, sovereignty and territorial integrity.

79. Regrettably the Security Council had abdicated its primary responsibility for maintaining peace and international security, leaving the conduct of the war in the hands of a group of countries led by the United States.

80. The consequences of the Iraqi actions in Kuwait, including the violations of the human rights of the Kuwaiti people and, above all, its right to self-determination and independence, were reprehensible, but so were the massive and indiscriminate bombings of cities and non-military targets in Iraq, which had caused tens of thousands of victims and material losses estimated at $US 200 billion. His delegation expressed its deep solidarity both with the Kuwaiti people, whose rights, sovereignty and independence

must be fully restored, and with the people of Iraq, to which a group of self-sacrificing Cuban doctors and medical personnel had been granting assistance in hospitals in the country, sharing the same fate as the civilian population.

81. The United Nations must stop the war immediately; otherwise, the Organization would be completely discredited.

82. The human rights situation in Guatemala had deteriorated markedly in 1990, as pointed out in the report of the independent Expert (E/CN.4/1991/5). Forced and involuntary disappearances, torture, extrajudicial executions, and intimidation by the death squads of leaders and members of human rights and popular organizations had persisted, with the complicity of the armed forces and security forces. The authors of those crimes had hardly ever been brought to justice. As pointed out in the report, the reason for the lack of respect for human rights was to be sought in the social injustices in Guatemalan society and the extreme poverty, above all in the indigenous population, that being, in turn, the objective basis for the popular struggle. It was essential to control the armed forces and security forces responsible for the repression and to bring to a successful conclusion the talks with the Unidad Revolucionaria Nacional Guatemalteca in order to reach a peaceful settlement of the conflict and bring about a national reconciliation.

83. The human rights situation in El Salvador was equally alarming. As in the case of Guatemala, El Salvador's army - which was advised, supplied and armed by the United States of America - was responsible for a systematic campaign of assassinations, disappearances and detentions aimed at quelling popular resistance and preventing the creation of a truly democratic Government to face the country's serious economic and social problems.

84. The massacre of peasants in El Zapote de Ayutuxtepeque, allegedly perpetrated by the Salvadoran army on 21 January 1991, was one of a number of events that jeopardized the talks between the Government and the Frente Farabundo Martí para la Liberación Nacional (FMLN) under the auspices of the Secretary-General.

85. Another country in the Americas where human rights were not respected was the United States itself, which boasted of its supremacy over the rest of the world but in which some 40 million people, primarily Indians, blacks and Latin Americans, had a standard of living well below that of the whites and usually lived in ghettos characterized by miserable hygienic conditions and substandard housing. Recent studies had shown that the distribution of wealth in the United States was even more inequitable than had been thought. While 20 per cent of the wealthiest households possessed 43 per cent of the nation's total income and 90 per cent of its financial assets the living conditions of tens of millions of people were identical with those found in the third world.

86. Police brutality and racism were rampant, and the members of the Indian, black and Latino movements were subjected to repression, and dozens of political prisoners, such as Leonard Peltier, were behind bars. In percentage terms, the United States had the largest prison population in the world, followed by South Africa. Prisoners were subject to terrible exploitation.

In federal prisons they received a monthly salary of about $US 42; thus, in practice, they were used as slave labour, in violation of the Universal Declaration of Human Rights.

87. In Cuba, a developing country with limited resources, the Penal Code provided for prisoners to perform useful work, for which they were paid at the same rate as the other workers in the country. The Social Security Act provided for the family of the person to be compensated in case of the occupational accident or death of the prisoner. In Cuba's social system, the human being was the centre of concern.

88. In 1987, the then permanent representative of the United States to the United Nations had made allegations to the Commission that Cuba had over 20,000 political prisoners, that it was guilty of extrajudicial deaths by firing squad and that torture was systematically practised. In response, the Government of Cuba had decided, in 1988, to invite the Commission to send a mission to observe the human rights situation there. The mission established that there were no cases of torture, disappearance or secret deaths by firing squad. There were less than 100 counter-revolutionary prisoners and not 10,000, as the permanent representative of the United States had alleged. It had also been asserted that the Cuban Government had taken retaliatory measures against persons who spoke to the mission but the only basis was that one of them had been arrested for disturbing law and order and not for giving information to the Commission. Furthermore, the report of the United Nations Secretary-General before the Commission, had duly clarified the matter.

89. In fact, Cuba had invited a mission to visit the country in 1988, a step which few member States had taken, it had opened public debate on the report of that mission and provided the clarification and further information requested by the Secretary-General through the Centre for Human Rights. However, it refused to be subjected to the discriminatory treatment which the United States Government was trying to impose. It had fulfilled its obligation by maintaining contacts with the Secretary-General and informing him of any cases, where necessary.

90. He hoped that the members of the Commission would not allow themselves to be won over by the anti-Cuban positions of the United States Government. The brutal repression in some countries of popular demonstrations protesting against the difficult economic and social situation of the lower-income groups and the massive and flagrant violations of human rights of the South African and Palestinian people were well known. Cuba could not be judged by the same yardstick, nor should other violations be selectively passed over in silence. His Government had demonstrated that it was willing to co-operate with the United Nations at the same level as the other Member States, and it would never yield to the impositions of the United States in the Commission or in any other forum.

91. Mr. de RIVERO (Peru) said that, over the past two years, democracy had been established in virtually all the countries of the world, the peoples of which had expressed their belief in freedom, justice, the strengthening of civilian society and social justice. However, while some problems had been removed some other sensitive ones had arisen to join the ones that still persisted.

92. In Cyprus, for example, it was to be hoped that, as a result of the Secretary-General's good offices, a final, equitable settlement would be reached in which the interests of both communities were provided for and that the territorial integrity and non-aligned status of the country would be preserved and the dignity and political rights of its people respected.

93. Another problem was the threat to human rights and violation of international law in recently occupied Kuwait. The Government and people of Peru supported the people of Kuwait but also felt that all the forces engaged in the conflict were morally bound to respect the human rights of the civilian population and scrupulously to observe the standards of international humanitarian law, particularly the Additional Protocols to the Geneva Conventions. His delegation hoped that the war would end quickly and that peace would soon be restored.

94. In the Latin American region and Caribbean, there was increasing respect for human rights. The case of Chile had, on his delegation's proposal, been removed from the Commission's agenda as an independent item because democracy had been restored in that country. In Haiti also, democracy had been re-established. Credit was due to the Haitian armed forces for the important role they had played in respecting the wishes of the people. He urged the new Government to continue its efforts to consolidate democracy and the international community, especially the United Nations through the Centre for Human Rights to give President Aristide its complete support.

95. In El Salvador, his delegation welcomed the Secretary-General's efforts to bring about a peaceful solution to the civil strife and hoped that the work of the Secretary-General and of the Special Rapporteur would bring an early peace and the full realization of civil, political and social rights. In the case of Guatemala, Peru, together with the countries of the Rio Group, had been working to achieve respect for human rights through a procedural solution.

96. In conclusion, he pointed out that human rights violations could occur in almost every country, regardless of its level of development. Those violations were more pronounced in countries where weak political institutions and civil conflict were combined. However, poverty, social injustice and the economic crisis and the persistent debt constituted a stumbling block to any efforts to improve the human rights situation in many countries. He therefore appealed to all Governments to view the question of human rights in individual countries within the wider political, economic and humanitarian context.

97. Mr. MALGINOV (Union of Soviet Socialist Republics) said that the forty-seventh session of the Commission was taking place in a period of change in which the spirit of confrontation that had long characterized its work was fading into the past. While it was less clear what the future held in store for the Commission's work, it was to be hoped that increasingly close co-operation among States on human rights questions would prevail.

98. The Soviet Union had repeatedly stressed the fact that expressions of concern by the international community about the human rights situation in a given country did not constitute interference in that country's domestic affairs. That was the very point of agenda item 12. His delegation was prepared to listen to suggestions on ways to resolve problems associated with the democratization of Soviet society. The statements of a number of

delegations, however, had been emotional and, on occasion, even pedantic, and it was to be hoped that human rights problems could be addressed with restraint, and without succumbing to polemics.

99. Regrettably, the pre-conditions for democracy and respect for human rights had been prejudiced in those regions of the world that were facing armed conflicts or their effects. Armed aggression was the direct negation of human rights and individual freedoms, of which the war in the Persian Gulf region was the latest clear confirmation. The Soviet Union called for the unconditional restoration of all the rights of the people of Kuwait.

100. The Commission had already expressed its position on the question of the violation by the Israeli authorities of the rights of the Arab population in the occupied territories. A political solution must be found that was acceptable to all; otherwise it would be difficult to improve the human rights situation in the region.

101. The situation in Afghanistan remained difficult. Skirmishes continued to take place between the armed forces of the Government and the Mujahidin, and the flow of refugees had not diminished. That could not help but have an adverse effect on civil, political and socio-economic rights in Afghanistan. The Soviet Union had repeatedly stressed that any solution to the problem must be found through an inter-Afghan dialogue based on the Geneva Accords of 1988.

102. A dialogue between the two communities on Cyprus should become the foundation for settling human rights questions there. Any solution to the problem must provide guarantees for the rights of all Cypriots.

103. His Government was deeply concerned about the continuing conflict in El Salvador.

104. Recent developments in South Africa had given rise to hopes that the inhuman system of apartheid would soon be replaced by a democratic, non-racial Government that guaranteed equal rights and freedoms for all citizens. The Commission should help promote that positive process.

105. The Soviet Union welcomed the democratic transformation in Chile. The Commission had made an important contribution to dismantling the totalitarian régime in that country, and it was to be hoped that the idea of human rights would once again reign there.

106. A major obstacle to full implementation of human rights was the incompatibility of national legislation with internationally recognized standards. The United Nations Decade of International Law, proclaimed by the General Assembly in 1990, should help to improve the legal knowledge of the subject in national law enforcement bodies. The World Public Information campaign for Human Rights, to which the Centre for Human Rights had made an important contribution, was also a significant development.

107. The World Conference on Human Rights would be an event of enormous importance, and the Soviet Union was prepared to help to ensure its success. In that context, his Government was working to democratize Soviet society and make the rights of the individual a primary concern.

108. Mr. SIBAL (India) said that there had been a breakthrough for democracy in many countries, with the attendant commitment to strengthening human rights. The euphoria concerning that development had, however, been dampened by the tragic developments in the Gulf, where Iraq's invasion of Kuwait had created massive human rights violations.

109. The Commission should be vigilant to ensure that the espousal of human rights did not become an issue which divided people and nations and that human rights issues were not used for political ends. His delegation believed in the essential indivisibility of human rights and that, for example, no people should be asked to choose between food or freedom. His Government was therefore seeking to combine democracy with economic and social development and social justice through a non-violent and democratic process.

110. Some of the most hopeful developments in 1990 had occurred in southern Africa. An independent Namibia had been welcomed into the United Nations. The South African Government had recently announced the repeal of the remaining apartheid laws but the continued violence in the black townships and the involvement of the security forces still gave cause for concern.

111. In Fiji, on the other hand, a new Constitution institutionalizing racism had been promulgated by an administration without any popular mandate which was ruling the country at the behest of the army. Under that Constitution, severe restrictions were placed on freedom of expression, judicial review in respect of protection from discrimination was curtailed and fundamental rights such as the right to life could be suspended. It further provided for an authoritarian President without any public accountability and disenfranchised urban Fijians in order to ensure the exercise of power by a racist oligarchy.

112. The democratic and human rights activists in Fiji had rejected the new Constitution and had decided to boycott any election held under its provisions. Documented reports by international human rights organizations and prominent jurists monitoring human rights violations provided information about the suppression of civil rights activities and the arrest and torture of journalists and academics. The racist elements in Fiji, including those in the army, had launched a campaign to intimidate, humiliate, torture and brutalize certain sections of the Fijian population, which they did with the moral and material support of the interim Government.

113. India was deeply concerned over that institutionalization of racism in Fiji. The international community should act urgently to prevent its entrenchment in the political life of the country. The discriminatory Constitution should be withdrawn and negotiations started between the communities to enable the people of Fiji to enjoy human rights.

114. His Government believed that there could be no permanent peace in the Middle East without a just and comprehensive settlement based on the inalienable rights of the Palestinian people. The United Nations should address that vital question on which a plethora of General Assembly, Security Council and Commission resolutions already existed. The violations of human rights in the Gulf were a source of deep concern and the hostilities had caused considerable loss of civilian life and poverty. He urged that every possible precaution be taken to protect the civilian population.

115. The régime in Myanmar was still refusing to accept the verdict of the people. His delegation hoped that it would respond to the citizens' demand for freedom and democracy and would work with them to establish peace and democratic order.

116. The international community should emphatically denounce such glaring violations of human rights and fundamental freedoms as those he had mentioned. It should always bear in mind that the human being was to be regarded as transcending the limitations of societies or groups, because such a perception would give meaning to the work of the Commission.

117. Mr. VASILENKO (Ukrainian SSR) said that the main aim of the discussion was to identify the most effective means of combating and ending gross human rights violations. To eliminate the root causes of flagrant and massive violations, constructive international dialogue and the concerted efforts of all States were needed. In the past, political means had been used to solve the Namibian problem and to bring practical solutions to bear on the Cambodian problem. They should also enable a dialogue to be initiated with the communities in Cyprus and elsewhere.

118. That was a welcome trend but it should not be forgotten that massive human rights violations were still occurring in southern Africa, in the Arab territories occupied by Israel, in Kuwait, seized by Iraq, and in other parts of the world. The Commission should refrain from adopting double standards in evaluating such situations, and further efforts were required by the United Nations and the Commission to promote international co-operation to combat such situations wherever they occurred. One area of such co-operation should be the formulation of measures within the Commission to prevent any human rights violations.

119. In that regard, he drew attention to the important concept of responsibility for the suppression of human rights violations. No State, regardless of its political composition, population size, geographical location or level of development had as yet been wholly successful in ensuring the whole range of human rights for all social groups. Moreover, in the history of the development of any country, anomalies could occur which sometimes caused massive and flagrant rights violations.

120. In view of that fact, the United Nations should not only deal with existing situations but should also establish safeguards to prevent such situations occurring. A major part of those safeguards would be played by the concept of the responsibility of the State and of its officials for violations of human rights.

121. In most cases the State was the worst offender in respect of massive violations which were carried out by particular organs of the State or specific officials. The legal protection of human rights should thus be carried out at two levels: internationally and nationally. One way of affording protection at the international level was the establishment of international standards while, at the national level, the means of protection should be the States own legal standards. Efforts at the international level to establish such standards had been in progress for more than 30 years in the International Law Commission, which had been preparing a draft convention on State responsibility and a code for the peace and security of mankind.

122. The Human Rights Commission should call on the International Law Commission to speed up its work on the convention on the responsibility of States. In the meanwhile, the Commission could call upon all States to take measures to complete their national legislation regarding the strict responsibility of officials and citizens for gross violations of human rights.

123. The Commission should undertake a study of the national legislation of States to gather information on the experience of implementing international standards aimed at preventing human rights violations. The study could serve as a basis for drafting a declaration on the responsibility for the violations of human rights and the rights of people. His delegation would, in due course, submit a resolution on responsibility for the violation of human rights and fundamental freedoms.

124. Mr. WESTON (Observer for the United Kingdom) said that, as British Ambassador to Kuwait, he could speak from personal experience of the human rights situation in that country after the Iraqi invasion on 2 August 1990. From that day until the day he left, all supplies to his Embassy had been cut off by Iraqi troops, including tanks, and the staff had survived thanks to its own resourcefulness. After 24 August 1990, when he was able to move with reasonable freedom around Kuwait City, he had witnessed looting and wanton destruction on a massive scale by Iraqi soldiers and civilians. They stole everything that could possibly be carried away from shops and private homes and wantonly destroyed anything that was not worth stealing.

125. Many foreign nationals had lost everything they owned and roamed the streets searching for food. Thousands of the foreign residents in Kuwait from countries such as India, Pakistan, Sri Lanka, Egypt and the Philippines were to be seen begging for assistance from their embassies, which were completely overwhelmed. The plight of the Western nationals was, perhaps, less dramatic, though many of them had had their homes broken into and there had been several cases of rape. None of the Westerners had been allowed to leave the country and the policy of detaining them and transferring them to strategic sites as human shields had already started.

126. Because he had been confined to his Embassy from 24 August 1990, he had had no direct personal evidence of the atrocities carried out by Iraqi forces apart from looting and events he could witness from his windows. Open trucks piled with stolen goods of all kinds had constantly passed the Embassy and he had seen numbers of trailers heading north and carrying yachts and motorboats, as well as heavy equipment removed from factories and workshops. Many times daily he had received telephone calls from Kuwaitis, British citizens and others with appalling reports of suffering. The persons to whom he had spoken had given eye-witness accounts of such incidents in sickening and convincing detail, some of which had been publicized the previous week at a press conference organized in London by the All-Party Parliamentary Committee on Human Rights.

127. He had finally left Kuwait on 16 December 1990, and on the journey to the airport he had seen further evidence of the destruction caused by the Iraqi invasion. Kuwait City had been a ghost town with signs of damage everywhere. On arrival at the airport, he had seen an enormous flight simulator being taken off by truck to Baghdad to join the works of art, furniture, electrical

fittings, computers, machine tools and other equipment carried off to Iraq. The looting, which he had seen with his own eyes, paled into insignificance, however, compared with the more recent accounts of the activities of Iraqi troops in Kuwait City. He paid a tribute to the courage and endurance of Kuwaiti citizens who had remained behind and to the fortitude of members of foreign communities forced to stay with them, who had lived day by day like rats in the air conditioning ducts of their houses, coming out at night only to obtain supplies to enable them to endure another day. On that day - Kuwait's National Day - he hoped and prayed that an end to its people's suffering would not be long delayed.

128. Mr. ELARABY (Observer for Egypt) said it was unfortunate that the Middle East appeared to be isolated from a world that was moving into a new era, in which détente would replace confrontation, the cold war could be brought to an end and there would be a peace based not on a balance of terror but on the genuine determination of peoples and States to co-operate.

129. In the Middle East, rights were violated and infringed, the unlawful occupation of territories continued, peace and security were non-existent, resources were wasted and the spectre of war remained. Military occupation was the most extreme form of human rights violation since it violated the rights of an entire people, depriving it of its right to an independent existence even socially and economically.

130. Iraq's occupation of Kuwait had set a dangerous precedent that infringed the Charter of the United Nations, the Charter of the League of Arab States and the Arab Joint Defence Agreement. In its deep concern for the interests of Iraq and Kuwait alike, Egypt had constantly striven to re-establish normal relations between the two countries, and had been assured by the Iraqi leadership that force would not be used to settle its differences with Kuwait. Even when the invasion had taken place, Egypt had refrained from condemning Iraq immediately, but had merely called for withdrawal and a return to legitimacy. It had constantly tried to keep the crisis within an Arab context and had endeavoured to convene an Arab summit conference. The League of Arab States had itself convened an Arab Summit on 10 August 1990 to confirm Security Council resolution 660 (1990) condemning Iraq's invasion of Kuwait and call for withdrawal and a return to legitimacy. In its resolution, the Arab Summit had rejected Iraq's threats against the Gulf States and its concentration of forces on the Saudi Arabian frontier and had endorsed the determination of the Gulf States to ensure respect for their legitimate rights as set forth in article 8 of the Joint Defence Agreement of the Arab States, in article 6 of the Charter of the Arab States, in Article 51 of the Charter of the United Nations and in the relevant Security Council resolutions, and to respond to Saudi Arabia's request that Arab forces should help to defend its territory. The Arab Summit resolution had further called for all operations to be brought to an end once Iraqi forces had withdrawn from Kuwait and legitimacy had been restored. President Mubarak had constantly urged the Iraqi President to respond to the resolutions of the Security Council and the Arab Summit and had warned of the serious consequences that would follow his aggression against Kuwait. Egypt had never taken sides in any conflict between brother Arab States but had consistently supported justice and respect for international humanitarian law in the interest of both sides.

131. One wrong could not justify another, and aggression was never a way of ensuring justice. Iraq could best serve the Palestinian cause by withdrawing from Kuwait and avoiding any pretext for other forms of occupation so that a just and lasting solution could be sought to the Palestinian problem. The Palestinian people, whose heroic uprising had not been quelled, had an inalienable right to self-determination and the creation of their own independent State. Efforts should be directed to supporting their rights on the basis of the principles of international law and the Charter of the United Nations, and should not be diverted from that cause. The need to speak of human rights violations by occupation forces in Kuwait was a matter of deep regret to his delegation. Practices of arbitrary arrest and detention, torture, murder, summary execution, confiscation of property and physical and moral attacks on Kuwaitis and others living in Kuwait had reached an intolerable level, as had been borne out by the evidence just given by the observer for the United Kingdom. The sufferings of the Iraqi and Kuwaiti people alike as a result of the occupation of Kuwait and non-respect for legitimacy were deeply distressing. What was required was a complete withdrawal from Kuwait and the restoration of its legitimate Government.

132. Once peace had returned, every opportunity should be seized to re-establish international law and respect for human rights both in the Gulf and throughout the Middle East, in particular in Palestine and the Golan and in southern Lebanon, which Israel had occupied by force on the pretext, rejected by the international community, of defending its security - an anachronistic and outmoded idea stemming from the colonialist period. Israel must implement Security Council resolutions 425 (1978) and 509 (1982) and withdraw from southern Lebanon so that Lebanon could regain its sovereignty and independence. The international community must make every effort to re-establish a just and equitable peace based on the rights of peoples and the sovereignty and independence of States, on principles of collective security and on participation in development. Egypt was concerned to help Kuwait to overcome its sufferings and participate in the restoration of peace and security in the region and to ensure that the Kuwaiti and Iraqi people could enjoy their full rights free from the horrors of war and destruction.

133. Mr. AL-SABAH (Observer for Kuwait) recalled that, a day earlier, the coalition forces had begun the last phase in the liberation of Kuwait following Iraq's rejection of the last chance to implement the resolutions of the Security Council. Kuwait prayed that God would bring an early end to the war with minimum human casualties and material losses. During the past seven months, it had been subjected to much suffering, injustice, repressive practices, destruction and aggression as a result of Iraq's barbaric occupation. That aggression, and the subsequent dispersal of the Kuwaiti people, represented a clear violation of the Charter of the United Nations, the principles set forth in the Universal Declaration of Human Rights, and all international covenants and norms. Flagrant human rights violations had been committed against all sectors of the Kuwaiti people regardless of age or gender.

134. The noble principles set forth in the preamble to the Charter of the United Nations and in the Universal Declaration of Human Rights were aimed at preserving international peace and security, protecting human rights and the dignity of individuals and saving humanity from the miseries of war, injustice, repressive practices and destruction. Those principles had been adopted to be applied for the benefit of humanity, and were not to be disregarded.

135. The Iraqi aggression which, since 2 August 1990, had been directed against the Kuwaiti people, territory and Government, had been and continued to be the most outrageous aggression in modern history. Heavily armed with hundreds of thousands of soldiers, hundreds of fighter planes and thousands of tanks and items of artillery equipment, Iraq had occupied and annexed Kuwait by force, and the occupying forces had waged an organized campaign to terrorize and murder the defenceless people - a well-prepared campaign deliberately designed to obliterate a people's identity and eliminate it from the world map. Members of the Commission were aware of the suffering of the Kuwaiti people as a result of that barbaric aggression. From the first hours of the invasion, the Iraqis had committed the most heinous crimes against Kuwaiti and non-Kuwaiti residents and had caused massive destruction of property and of the country's infrastructure. They had looted public and private properties, terrorized Kuwaiti citizens and violated their privacy and destroyed the country's security system and socio-economic infrastructure with the aim of destroying the basic foundations of Kuwaiti society. Iraqi soldiers had crossed the dividing line between humanity and savagery and committed the most cruel crimes against the peaceful Kuwaiti people, some details of which were shown in document E/CN.4/1991/70. One example was the atrocity committed against Mr. Adel El-Falah, who had been arrested at his home and later taken back on the verge of death as a result of severe torture. His wife and three young daughters had then been forced to look on while he was shot. The reason for his execution was that he had been providing food to Western nationals hiding in Kuwait. Hundreds of Kuwaiti citizens had been executed in the streets in front of their relatives and thousands killed in detention centres following severe torture. A Kuwaiti physician had reported that five or six new bodies had been brought to his hospital daily. Many of the victims, mostly in their twenties, had borne marks of torture, which had included burning by cigarettes and heated metal rods, electric shock, cutting off of tongues or ears, gouging out of the eyes and the breaking of limbs. In most cases, the immediate cause of death appeared to have been a single shot in the back of the head or in the ear or mouth.

136. His delegation was deeply concerned about recent information received from occupied Kuwait which indicated that oppressive and inhuman practices by the occupying forces continued unabated and were of an intensity and cruelty hitherto unwitnessed. Since the beginning of the operations to liberate Kuwait, arbitrary arrests had escalated. When relatives inquired about detained persons, the Iraqis would reply that they had duties to perform and would return in a few days. Information had been received that the Iraqi forces had been ordered to arrest and detain 40,000 Kuwaitis indiscriminately, which meant that there was a deliberate plan to detain all Kuwaiti men remaining in the occupied country. They had already begun to be arrested in their homes and anyone refusing to give food and medical supplies to Iraqi soldiers who had forced their way into Kuwaiti homes was shot immediately. The unprecedented brutality of the Iraqi forces and their barbaric execution of Kuwaiti detainees was an affront to human feelings. Recent information indicated that they had begun to execute male and female Kuwaiti detainees and throw their naked and mutilated bodies into the streets. Moreover, in clear violation of international law, the Iraqi forces had greatly endangered the lives of civilians in Kuwait by concentrating their military personnel and equipment in residential areas and on rooftops. Recent crimes aimed at the destruction of the economic infrastructure of Kuwait included setting fire to

more than 200 oil wells, oil storage tanks, refineries, petrochemical plants and water desalination and electricity production plants, thus not only crippling Kuwait's future economic welfare but also threatening the safety of people and the environment both inside and outside Kuwait.

137. It was shameful that the country committing those crimes, and notorious for its despicable violations of human rights and of the Third and Fourth Geneva Conventions, should continue to be a member of the Commission on Human Rights. The Iraqi delegation, which had uttered nothing but fallacies designed to divert the Commission from the true situation and to falsify Kuwait's history, should not be allowed to participate in further discussions of human rights issues. Kuwait called for the prosecution of Iraqi officials for their crimes against humanity and called upon all peace-loving nations which opposed aggression and upheld the principles of human rights strongly and decisively to condemn those atrocities. His delegation, which intended to submit a draft resolution for that purpose, requested that a special rapporteur should be appointed to examine and report on the human rights violations committed in Kuwait by the Iraqi invading and occupying forces. His country would be ready to welcome the special rapporteur, when appointed, and fully to co-operate with him, and would also welcome international humanitarian organizations, particularly the International Committee of the Red Cross, to help to lessen the suffering of the Kuwaiti people.

138. Mr. SAMPOVAARA (Observer for Finland) said that, in pursuing the complex task of assessing the human rights situation in any part of the world, it was gratifying to note that there had been some fundamental changes for the better. One such change was that the lessening of ideological differences permitted human rights issues to be discussed in a less combative atmosphere than formerly. Such issues occupied an important place in Finnish foreign policy, and it was encouraging to note that they had become a subject of international dialogue both multilaterally and bilaterally. The Commission's very existence showed that attention to human rights issues in other countries was no longer considered as interference in internal affairs. By its participation in the current discussion, Finland accepted that principle.

139. Respect for human rights was essential for international peace and stability. Gross violations of and disregard for basic human rights inevitably led to international tension and conflict, such as the Gulf war. Finland had been among the sponsors of General Assembly resolution 45/170 on the situation of human rights in occupied Kuwait, in which the serious violations of human rights against the Kuwaiti people and third State nationals there had been condemned. The Iraqi Government had caused untold suffering and vast economic losses. Reports had been received that day of new atrocities and wanton destruction of property by the Iraqi forces. There had long been a deplorable human rights situation in Iraq itself, and in addition to occupying Kuwait, the Iraqi Government had also made deliberate missile attacks against civilian targets in the area and caused environmental damage.

140. The international community had unanimously called upon Iraq to abide by the relevant Security Council resolutions and to respect the Geneva Conventions, and all parties should be reminded of the need for respect for international humanitarian law. The protection of civilians in armed conflict was an absolute obligation of the belligerents and of any occupying power.

141. A further milestone had been reached in Europe in 1990 with the adoption by the Paris Summit of the Conference on Security and Co-operation in Europe (CSCE) of the Charter for a New Europe. The common pledge of the participating States to consolidate respect for human rights, democracy and the rule of law and to establish new mechanisms had raised the process to a higher level. The Charter of Paris was an irrevocable step towards the strengthening of peace and the promotion of unity in Europe. His Government had therefore received with deep concern the information about the tragic events in the Baltic Republics, which had led to a loss of human life. It had appealed to the Soviet Government to refrain from using force, and, in accordance with CSCE provisions, had asked how that Government intended to ensure respect for human rights and fundamental freedoms in Latvia and Lithuania. The Soviet Union's reply supported Finland's conviction that the discussion of issues of common concern in a constructive and co-operative spirit would best serve the interests of all concerned. Finland attached importance to the pledge given by the Soviet Union in that reply to do its utmost to fulfil its international human rights commitments. The Baltic peoples had a right to national self-determination, and outstanding problems must be solved by political means through negotiations between the Government of the Soviet Union and the Governments of the Baltic Republics.

142. Human rights monitoring was an essential task and duty of the Commission, whose investigative machinery in the form of the appointment of special rapporteurs had proved highly useful. The list of reports for the Commission's consideration on human rights situations in various countries could obviously be only selective. Violations that deserved consideration also occurred elsewhere, but the Commission had been able to start a dialogue on the scope of violations and take the necessary steps to improve the situation. A prerequisite for such an improvement was the willingness of the country concerned to co-operate.

143. Advisory services had a valuable role to play in the field of human rights, and his Government was accordingly increasing its contributions to the Programme of Advisory Services.

144. The rights of minorities would receive particular attention in the CSCE process during the current year. Maintenance of friendly relations among nations, peace, justice, stability and democracy required that the specific rights of national minorities should be protected and that conditions for the promotion of their identities should be created. Finland thus favoured a speedy conclusion of the deliberations of the Working Group set up by the Commission to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities.

145. Turning to agenda item 12, he said that human rights situations in Africa had been overshadowed by other events and problems. Seen from the humanitarian point of view, the conflicts in Africa were a greater catastrophe than the war in the Gulf. They were also clearly related to human rights situations, as was manifested by the plight of millions of refugees, and by the misery of those who had remained in their countries. Massive international assistance, combined with efforts to eliminate the root causes of the problems, were urgently needed. Finland also recognized the close relationship between development and human rights. It had thus made the impact of development on human rights an important guiding principle in its development co-operation.

146. Non-governmental organizations played an important role in the human rights field. Two years previously, with a view to increasing input from that source, the Government of Finland had set up an international human rights advisory board, made up of scholars, human rights specialists and activists, and representatives of political parties, together with a representative of the Finnish Red Cross.

147. Universal human rights instruments served as a solid basis for developing and implementing a human rights strategy. Having formally acceded to those instruments, Governments were clearly committed, not only to fulfilling the corresponding obligations, but also to a strong moral and human dimension that the international community could no longer ignore. Monitoring compliance with international human rights agreements served, not only to ensure that commitments were honoured, but also to establish the principle that countries were accountable for their real performance in the field of human rights.

148. Mr. Amoo-Gottfried (Ghana) took the Chair.

149. Mr. RAMLAWI (Observer for Palestine), referring to the Israeli occupation of southern Lebanon and to the Gulf conflict, said that both situations revealed flagrant violations of human rights by Israel in the one case, and the United States in the other. After the Israeli invasion of Lebanon in 1972, Israel had kept its forces in southern Lebanon, where they remained despite Security Council resolutions 425 (1978) and 509 (1982) calling on Israel to withdraw its military forces. As was its wont, Israel had defied those resolutions, and had even stepped up its violations of human rights, by such practices as the expulsion and abduction of Lebanese citizens, the destruction of homes, attempts to establish Jewish settlements, murder, detention, torture, the confiscation of water resources that were then diverted to Israel, and the systematic bombardment of villages, causing thousands of civilian casualties - all in contravention of international law and the Fourth Geneva Convention; to say nothing of its continued occupation of southern Lebanon, which confirmed the aggressive attitude and expansionist aims that had underlain the creation of Israel in 1948. Whenever Israel occupied the territory of a neighbouring State, human rights violations immediately increased, as was confirmed in successive United Nations resolutions.

150. In another region of the Arab world, abominable violations of human rights were being perpetrated in the name of international legitimacy. Like Israel, the United States was now defying the very legitimacy it claimed to defend, betraying the principles of international law in order to further its own interests. The United States, Israel's ally, led an international coalition that was conducting the most ferocious aggression in history against the Iraqi people, an example of which was the callous bombing of a civilian shelter, a crime against humanity. The allied forces had no qualms about committing crimes such as the destruction of economic and scientific installations and religious sites, under the leadership of the United States and with the participation of three permanent members of the Security Council. The principles of friendly relations among peoples and peaceful settlement of disputes had now yielded pride of place to armed force, as a means of furthering neo-colonial interests.

151. The United States had aborted the peace process, and had initiated a land attack, when Iraq had already proclaimed its commitment to Security Council resolution 660 (1990), and its willingness to withdraw from Kuwait and to start negotiations with a view to securing a peaceful settlement. Allied forces had already destroyed Iraq's infrastructure, on the pretext that it had not complied with the Security Council resolutions. The continuing aerial bombardment confirmed his mission's view that the United States presence in oil-rich areas was designed to destroy Iraq and to protect Israel, and not to defend Saudi Arabia and liberate Kuwait.

152. From the outset, Palestine had held that the crisis should be resolved within an Arab context, without external interference, and the Palestine Liberation Organization had made every effort to secure that end. However, the United States continued to exert pressure to prevent such a solution, in an attempt to internationalize the crisis as a means of furthering its own objective of dominating the region. What was happening was an attempt to create the bases for a new international legitimacy, to serve the colonialist interest that had re-emerged with the new international imbalance. Those neo-colonialist Powers were not interested in international legitimacy, or even in respect for the Charter of the United Nations or Security Council resolutions. The first manifestation of the United States' much-vaunted wish to create a new world order had been the atrocities currently witnessed, which undid at a stroke the work accomplished by the United Nations since the Second World War, pushing the world back into the colonial tyranny that had prevailed before the First World War.

153. At that dangerous juncture, the world was faced with two alternatives: either to confirm the sovereignty and noble principles of international law and human rights, and to maintain friendly relations among States, by settling conflicts in a peaceful manner; or to allow the interests of one country to dominate the Security Council, thereby paving the way for a tragedy whose effects would be felt for decades to come.

154. Mr. DUNA (Observer for Turkey) recalled that in 1960 the two parties to the Cyprus question, the Turkish Cypriot people and the Greek Cypriot people, had together founded a partnership involving the separate exercise of the right to self-determination. As a result of the Greek community's wish to be sole master of the island, that partnership had collapsed, and the two peoples had been engaged in an unfortunate dispute since 1963. The way out of that dispute was clearly shown in Security Council resolution 649 (1990), calling for efforts to "reach freely a mutually acceptable" solution to be achieved through negotiations on "an equal footing". It was thus futile to engage in polemics in a forum in which one of the two sides was not represented. Against the spirit of that resolution, the Greek Cypriot side had once again instigated a one-sided debate on the subject, in addition to its usual practice of exploiting the humanitarian issue of missing persons under agenda item 10. It was thus in breach of paragraph 5 of that resolution, which called on "the parties concerned to refrain from any action that could aggravate the situation".

155. The well documented root causes of the Cyprus problem went back to December 1963, and to the Akritas Plan to annex Cyprus to Greece; thereafter United Nations peace-keeping forces had been deployed on the island, in order to protect Turkish Cypriots from aggression by the other side. Despite the

United Nations presence, between the years 1963 and 1974 there had been unprecedented violations of the Turkish Cypriot people's human rights by the Greek Cypriots. Turkish Cypriots had been saved from total extermination only by the timely intervention of Turkey in 1974, after a final bloody attempt, engineered by the then Government of Greece, to annex Cyprus to Greece. Thanks to the Turkish intervention, the independence of the island had been preserved. Furthermore, that intervention had been undertaken in accordance with Turkey's internationally recognized rights and obligations under the 1960 Treaty of Guarantee, and was thus fully legal and legitimate.

156. Since 1974, Turkish Cypriots had enjoyed security, and had striven to achieve lasting protection of their legitimate rights. Meanwhile, the Greek Cypriots had shown little interest in a just and lasting solution based on a bi-zonal federation with political equality for the two peoples. On the contrary, they had launched a campaign to isolate the Turkish Cypriots internationally. In reaction, in 1983 the Turkish Cypriot Parliament had unanimously proclaimed the Turkish Republic of Northern Cyprus. The Greek Cypriot side had continued its attempt to prevent the Turkish Cypriots from exercising their human rights, through an inhuman embargo coupled with a hostile campaign of defamation and propaganda. The Turkish Cypriot people were denied the right of representation in international forums; travel to and communication with the outside world was prevented or restricted; trade and tourist contacts with the outside world were curtailed, and the Turkish Cypriot people's cultural and sporting contacts with other countries were impeded. In addition to its adverse effect on the Turkish Cypriot people, the embargo also constituted a violation of the human rights of foreign nationals wishing to have dealings with the people of Northern Cyprus, as was evidenced by the fact that in recent years, many foreign ship-masters had been arrested and imprisoned at Greek Cypriot ports, on the grounds that they had previously called at ports in Northern Cyprus.

157. When judged against the background of such past and present violations of human rights, the unfounded allegations made by the Greek Cypriot side in international forums could be seen as a feeble attempt to gloss over its own misdeeds. For the past 28 years, the Turkish Cypriot people had been treated as outcasts, and subjected to a campaign aimed at reducing them to the status of a minority. The attitude of the Greek Cypriot side ran totally counter to the CSCE process and the developments in Europe, both of which justified the aspirations of the Turkish Cypriot people to political equality and justice and their struggle for the restoration of their human rights. It was precisely because Security Council resolution 649 (1990) was in line with the developments in Europe that the Greek Cypriot side wished to consign it to oblivion.

158. The task of the Secretary-General was rendered even more difficult if automatic credence was given to Greek Cypriot views for reasons unconnected with the Cyprus issue as such. His delegation was disappointed at the one-sided statements made by some delegations, which extended even to the issue of missing persons. By mentioning only those who had disappeared after 1974, some delegations had created the impression that they did not care about the fate of the hundreds of Turkish Cypriots who had disappeared between 1963 and 1974.

159. It must be understood that, far from being the oppressors, the Turkish Cypriot people were struggling to defend their freedom and dignity against rich, oppressive and aggressive neighbours. The debate on the Cyprus question was taking place in the absence of the Turkish Cypriots, who would no doubt inform the Commission of their own views through the channels available to them. Security Council resolution 649 (1990) clearly stated that no solution to the Cyprus problem could be found without the consent of the Turkish Cypriot side. In that connection, he referred to the New Year message of Mr. Denktas, President of the Turkish Republic of Northern Cyprus, in which he had stated that the Turkish Cypriot people were entering 1991 with the desire to see a final settlement to the Cyprus question, and to live side by side and in peace with the Greek Cypriots, whose political equality they respected. In return, they expected respect for their own political equality. Evidence of the peace-loving nature of the Turkish Cypriot people was their acceptance of the two high-level agreements of 1977 and 1979, and of the relevant United Nations proposals, including Security Council resolution 649 (1990) in its entirety.

160. Turkey favoured a comprehensive and lasting solution to the Cyprus problem, to be reached through negotiations between the two communities; and was determined to support a solution based on the political equality of Greek and Turkish Cypriots, making full provision for the latter's security.

161. Mr. FAN Guoxiang (China) said that separatists and foreigners with ulterior motives were spreading disinformation about the situation in the Tibet Autonomous Region. The facts were otherwise. The year 1991 marked the fortieth anniversary of the peaceful liberation of Tibet. Over that period, under the leadership of the central Government, the different nationalities in Tibet had united to effect democratic reforms, had established a regional autonomous government of minority nationalities, and had pursued reforms and policies to build socialism and open up Tibet to the outside world. Politically, the Tibetan people had become their own masters. The autonomous localities of the Tibet Autonomous Region enjoyed various rights in the administration of their local affairs, in accordance with the provisions of the Constitution and the Law on Regional National Autonomy. The People's Congress of the Tibet Autonomous Region had adopted and enacted more than 20 local laws and decrees, as well as specific regulations. A team of cadres of minority nationalities had been set up, with cadres of Tibetan nationality accounting for 67.6 per cent of the total, and for 72 per cent within the Autonomous Region itself. The leading officials in the executive, legislative and judicial organs of the region were all of Tibetan nationality.

162. Great progress had been made in agriculture and animal husbandry, with historical highs achieved in both sectors in 1990, despite adverse weather conditions. Having started from nothing, modern industry had achieved a substantial base, while national craft industries had been further developed, with 108 enterprises serving the needs of local people and the international market. Communications and transportation had improved greatly, with the introduction of new roads, bridges and air links. Many commercial and tourist facilities had also been built.

163. Tibet's national culture had been protected and developed, and its language was respected. A regulation on the study, use and development of the Tibetan language provided for a dual system, using both the Tibetan and Han

languages, with Tibetan the principal language in Tibet. Cultural relics were protected, huge sums having been allocated to the restoration of temples over the past decade. Eight research institutes specializing in Tibetan studies had been established in Tibet, and another 20 such institutes elsewhere. Before the liberation, no education had existed in Tibet other than religious education in temples and a few private schools for the children of the aristocracy. Tibet now had 3 universities, 15 vocational schools, 68 high schools, 2,398 primary schools and 40 kindergartens, providing a system of national education with local characteristics.

164. A policy of freedom of religion had been implemented in Tibet. More than 1,400 temples and other religious sites had been restored and opened to the public. There were 34,000 monks and nuns. Believers were free to set up Buddhist shrines in their homes, and to carry on religious activities in their homes or in temples. Research institutes on Buddhism had been established, and famous buddhas and scholars of Buddhism were invited to teach the classic works of Buddhism and the history of the religion.

165. Since the peaceful liberation, the population of Tibetan nationality had doubled from about 1 million to over 2 million. Such a high natural growth rate was unprecedented. Tibetans currently accounted for 95.46 per cent of the total population, and those (less than 100,000) of Han and other nationalities were mainly specialized personnel and technical workers, who had forged links of friendship with the Tibetan people through their important contributions to the country's economic and cultural development.

166. Speaking on agenda item 12 (a), he said that the Chinese Government and people were greatly concerned about the Cyprus problem, and called for respect for the independence, sovereignty and territorial integrity of the island. China supported the United Nations Secretary-General in his efforts to seek a solution to the problem, and sincerely hoped that the two ethnic groups in Cyprus would achieve a fair and reasonable solution in the spirit of the relevant United Nations resolutions, including Security Council resolution 649 (1990). Such a solution would not only be in their interests, but would also be conducive to peace and stability in the region, as a whole.

167. Turning to agenda item 12 (b), he said that the Iraqi invasion of Kuwait had flouted the universally recognized standards of international relations, violated the independence and sovereignty of Kuwait and infringed the human rights and fundamental freedoms of the Kuwaiti people. The Chinese Government and people strongly opposed Iraq's acts of aggression, and called upon the Iraqi Government to withdraw from Kuwait unconditionally and restore its independence, sovereignty and territorial integrity. Nevertheless, the Chinese Government deeply regretted the escalation of the conflict into a ground war on the previous day, despite last minute attempts to find a peaceful negotiated solution. Even before the ground war had begun, the Gulf crisis had taken a heavy toll of human lives, including those of innocent civilians, and caused enormous destruction. The ground war could only bring even greater suffering to the people of the region.

168. The Chinese Government appealed to both sides to show restraint in order to avoid greater and irremediable losses. It hoped that all parties would continue their efforts to find a practicable and peaceful solution to the Gulf crisis as soon as possible. China had contributed to the attempts to seek a

peaceful settlement of the crisis within the framework of relevant Security Council resolutions. It appreciated the efforts which other countries had made, and pledged its willingness to work with the rest of the international community to resolve the crisis.

169. Ms. MARTINEZ-NIETO (International Association of Educators for World Peace) said that her organization welcomed the transition to democracy in the countries of eastern Europe, the democratic elections held in various Latin American countries and the creation of new organizations which saw the defence of human rights as a way to create a world of greater solidarity and justice.

170. However, it could not ignore the continued violations of human rights in China where, it was reported, many people were still detained without trial and held incommunicado in the repression which had followed the events at Tienanmen Square.

171. Over the previous 18 months, hundreds of innocent citizens had been arrested in Libya on suspicion of belonging to Islamic political movements, and hundreds of them were still in prison. Some people had been in prison since 1973 without charge or trial. Colonel Qaddafi had ruled the country since 1977 without the authority of a constitution or free elections; his philosophy and rule was inconsistent with the Universal Declaration of Human Rights.

172. In accordance with Commission resolution 1990/48, the Secretary-General had prepared a report (E/CN.4/1991/28) on the results of his contacts with the Government of Cuba concerning the questions raised by the mission which had visited Cuba in 1988. Issues of particular concern were the right to life; security and freedom of the person; political and religious freedom; judicial protection of public rights and freedoms and the right to education. However, the Secretary-General had not submitted a report, but had merely reproduced an exchange of letters with the Cuban Government in which the latter had quoted from the country's laws and denied that there were any human rights violations in Cuba at all. Indeed, President Castro had declared in March 1990 that Cuba had no intention of complying with any of the provisions of resolution 1990/48.

173. Her organization was particularly concerned about those human rights activists who had placed their trust in the Secretary-General and the Commission and demanded their rights under the Universal Declaration of Human Rights. They had been treated as "anti-social and counter-revolutionary" elements; they had been placed under surveillance, harassed and subjected to acts of violence, which the Government had attributed to the "spontaneous" anger of the people.

174. Many new human rights organizations had sprung up since the Commission had visited Cuba in 1988. An Amnesty International report of December 1990 gave details of more than 70 activists who had been arrested, but there was no mention of them in the Secretary-General's report. There had been thousands of complaints from other non-governmental organizations in Europe and Latin America, and well-documented reports had appeared about conditions in prisons, psychiatric abuse, re-education centres for young people, disappearances, etc. Seventeen separate human rights organizations in Cuba had collected together those allegations.

175. The Commission must decide whether the Government's representations should be allowed to silence the voice of the people; whether procedure was to triumph over accusation; whether Latin American solidarity was to turn the Cuban people into second-class citizens.

176. According to the Cuban Government, almost all the complaints it had dealt with had concerned problems of emigration. It was true that Cubans who wished to leave the country in search of freedom posed a considerable problem. However, her organization was concerned about the hundreds of children who had been kept hostage in Cuba after their parents had sought political asylum in other countries during official visits abroad, which was the only way they had of leaving the country. It was cruel and inhuman to prevent children being reunited with their parents, but the Secretary-General's report made no mention of it.

177. Mr. VASQUEZ PERATA (International Union of Students) said that his organization formed part of a delegation of organizations struggling for human rights in Guatemala. The Guatemalan people were suffering from the irrational policies of the military and the security forces, which sought to silence their calls for justice and peace. Most popular organizations in Guatemala had emerged precisely because of the forced disappearances, murders and massacres by paramilitary groups and the army.

178. In 1990, the fourth year in which Guatemala had taken advantage of the advisory services of the Centre for Human Rights, 238 people had disappeared and 1,513 had been summarily executed. The consultants sent by the University of Harvard had been withdrawn, the policemen accused of killing two students had been released and the massacre of Santiago Atitlán had taken place. Those and other events showed that human rights continued to be violated in Guatemala. The report of the independent Expert on Guatemala (E/CN.4/1991/5) also attested to that situation. The situation had not changed since the new Government had taken power in 1991. Even during the current session of the Commission, two members of the Ethnic Communities Council "Runujel Junam" (CERJ) had been assassinated.

179. Despite the new Government's promises, it was the military which really exercised the real power in Guatemala and which took all decisions concerning the civil defence patrols, model villages, etc. Those within the Commission who had prevented the international community from monitoring the human rights situation in Guatemala were guilty of supporting the acts committed with impunity by paramilitary groups. None of the promises made had been fulfilled and Guatemalans were exposed to insecurity, persecution and threats. Human rights activists and their families in Guatemala were afraid for their physical safety and their very lives.

180. His organization called for the appointment of a special rapporteur on Guatemala and called upon those countries which had defended the Government to force it to comply with the promises it had made and which had caused the Commission to treat it leniently. He hoped that the Commission would demand tangible results from the Advisory Services Programme provided to the Guatemalan Government and that it would monitor the human rights situation in the country strictly.

181. Ms. COCHER (International Federation of ACAT (Action by Christians for the Abolition of Torture)) said that human rights violations continued to occur in Guatemala, despite the 1990 elections and the reforms announced during that year. Her organization had taken action in 58 cases, involving 152 people, of torture, disappearances and practices such as forcible enrolment in civilian self-defence patrols. The Episcopal Conference of Guatemala had issued a long communiqué on the subject in January 1990 in which Guatemala had been described as a country where the law of the jungle prevailed. There could be no doubt of the urgent need to monitor the situation in Guatemala thoroughly.

182. The Commission had already been advised of the seriousness of human rights violations in East Timor. Between January and March 1990, the International Committee of the Red Cross had visited 82 prisoners detained for "security reasons". Since the ICRC was not authorized to visit all prisons or all prisoners, that figure probably fell far short of the true situation. The member associations of her Federation had learned of 38 executions, 56 cases of torture and 75 disappearances in 1990, but that was not an exhaustive figure, either.

183. Her organization had received information concerning the activities of a new death squad called "Ninja", made up of Indonesian military and paramilitary personnel which operated against young people, attacking, abducting, torturing and sometimes killing them.

184. Her organization was also extremely concerned about the situation of women who were frequently the preferred victims of occupying armies, particularly the wives of resistance fighters, widows and young girls.

185. Her organization had taken note of the report of the Special Rapporteur, Mr. Voyame, on the situation in Romania (E/CN.4/1991/30). It had received a number of allegations about the growing number of cases of intimidation and acts of aggression in Romania. In January 1991, it had received information about 11 journalists who had been the victims of exactions. On 12 February, Professor Cretzia, a member of the Social Dialogue Group and the Civic Alliance, had been viciously attacked in front of his house in Bucharest. On 17 February, Mr. Dumitrescu, president of an association of former political detainees, had been subjected to threats. The growing number of such cases and the type of victim involved was seriously impeding the transition to a genuine democracy. Her organization called upon the Commission to extend the Special Rapporteur's mandate.

186. During 1990, her Federation had intervened 58 times on behalf of 417 people and the members of five groups in Turkey. Ninety per cent of the alleged cases of torture were said to have taken place on the premises of the security directorate. The Commission should call upon Turkey to reduce the duration of policy custody and to allow all defendants the assistance of a lawyer of their choosing, both during custody and the pre-trial investigation period.

187. Mr. PREJEAN (International Indian Treaty Council) said that, for indigenous peoples everywhere, the current world order was based on lies and deceit and the theft of their traditional lands. If a new world order was to be achieved, it was essential to dispel the hypocrisy of democracy and to be

creative in thinking and action, not just in rhetoric. Under the Charter of the United Nations, dependent territories such as Alaska, American Samoa and Hawaii had been destined for self-government, but the assassins of the indigenous peoples' freedom had managed to betray that aim.

188. Australia's treatment of its Aboriginal peoples had recently been described by the World Council of Churches assembly in Canberra as not only horrific, but genocidal. The Aboriginal people had been continually denied their land rights, and there was a tragic number of deaths in police custody. The sacred atolls of the Tahitian peoples, including the Fangatau atoll, were being destroyed by nuclear testing.

189. The Alaska Native Claim Settlement Act was due to come into force in 1991. Twenty years before, when the Act had been drafted, many remote villages had not even been consulted, let alone given their consent to the extinguishing of their rights. No child born after 1971 would benefit under the Act. On 13 January 1991, Hawaii had commemorated the ninety-eighth anniversary of the armed invasion of the island. The coup d'état, inspired by the United States of America, had violated the binding and sacred treaties between the Kingdom of Hawaii and the United States Government. He hoped that a special rapporteur from the Commission would go to Honolulu in 1993 to witness the commemoration of a century of dishonour in the relations between the United States of America and the indigenous people of Hawaii.

190. In Canada, his organization felt that the tragedy of the Mohawk Indians and the total disregard for the agreements between indigenous groups and the Canadian Government required further discussion and investigation.

191. The Gulf war, which had been responsible for countless deaths on both sides, had also been an economic drain on the United States economy and that of the whole world. The war was going on at a time when too few resources were being devoted to health care, housing and welfare programmes for all United States citizens, let alone the neglected indigenous peoples. In the opinion of his organization, the United States of America was called a "free country" because the United States Government had never paid the Indians the debts it had incurred under 371 binding treaties.

192. A report of the Guatemalan Episcopal Conference had raised the fundamental question of the violence wreaked by both the guerrillas and the forces of repression. In clear contravention of the Fourth Geneva Convention the army had forced indigenous people to join the civilian self-defence patrols, thus exposing them to injury and death. The Bishops also underscored the urban violence, resulting in the torture and murder of university and trade union leaders.

193. In El Salvador, the rights of the rural community, especially displaced and repatriated people, continued to be violated. According to information just received by his organization, a group of 15 families, displaced due to the conflict, had been detained and surrounded by soldiers since 17 February on the orders of the Ministry of the Interior and were being threatened with death. Cases like that showed the need to continue the mandate of the Special Representative.

194. His organization appealed to the Government of Indonesia to release all political prisoners in East Timor and withdraw all its forces in accordance with General Assembly and Security Council resolutions.

195. Sri Lanka had broken all records for human rights violations: 60,000 civilians had disappeared in the south of the country as a result of the activities of the armed forces and government-sponsored death squads, according to a report by the European Parliament in November 1990. Indiscriminate bombing of civilian targets - including churches, temples, schools and refugee camps - had killed several hundred innocent civilians. Some 200 places of worship had been damaged or destroyed. The Government had ordered over 1 million people in the north to leave their homes because of the bombing. Only the previous week, 200 civilians had been killed in northern Sri Lanka, according to data held by independent organizations. It seemed that the Government of Sri Lanka was perpetrating terrorism on a large scale on an unarmed civilian population.

196. The violations of human rights by the Moroccan Government, both within Morocco and in the occupied Western Sahara, was of grave concern to his organization. No human rights organizations were allowed to investigate disappearances, and the United Nations Human Rights Committee had rejected the Government's report on human rights in Morocco in November 1990. His organization called upon the Commission to appoint a Special Rapporteur to investigate human rights violations in Western Sahara and Morocco.

197. His organization welcomed the progress of democracy in Chile and the establishment of a national commission to deal with indigenous affairs. However, it deplored the failure to repeal Decree-Law No. 2568, which was an instrument of ethnocide imposed by the Pinochet dictatorship. His organization called upon the Chilean authorities to ratify the Employment Promotion and Protection Against Unemployment Convention 1988 (No. 168) of the International Labour Organisation and to take advantage of the advisory services provided by the United Nations and the ILO.

198. Ms. STEPHENS (World Alliance of Reformed Churches) said that, despite the sacrifice and struggle of the Filipino people in overthrowing the Marcos dictatorship, the legacy of assassination and political persecution persisted. Her organization welcomed the reports on the visits to the Philippines by members of the Working Group on Enforced and Involuntary Disappearances (E/CN.4/1991/20/Add.1) and by the Special Rapporteur on Torture (E/CN.4/1991/17, paras. 204-274). Her organization wished to bring the Commission's attention to a number of points which called for immediate attention from the international community.

199. The members of the Working Group had stated that successive Governments in the Philippines had been unable to make a successful frontal attack on the serious problems of poverty and landlessness (E/CN.4/1991/20/Add.1, para. 8). In the opinion of her organization, the Philippine Government was responding to the problems of poverty and landlessness by repressing groups and individuals, such as Mr. Jaime Tadeo, Chairman of the National Peasant Movement of the Philippines, who had spoken out against the Government's land policy and called for genuine land reform. Mr. Tadeo was currently in prison, and Swiss churches and development agencies and the European Parliament had urged the Philippine Government to release him immediately and order a retrial. Her organization endorsed that appeal.

200. The Philippine Government had issued warrants for the arrest of development workers and human rights advocates, some of whom had been living abroad at the time of the crimes they were alleged to have committed. In April 1990, warrants had been issued for the arrest of more than 100 people, even though the preliminary investigations had not been adequately carried out. Her organization was particularly alarmed by recent Supreme Court decisions which authorized the arrest without warrant of people suspected of subversion.

201. Some of the laws and decrees adopted under the Marcos régime had not yet been repealed. For instance, Presidential Decree No. 1,850 allowed soldiers and police officers who committed offences against civilians to be tried by court martial. The members of the Working Group, in their report on their visit, had described it as one of the most significant obstacles to the effective prosecution of members of the security forces for alleged human rights violations (E/CN.4/1991/20/Add.1, para. 77).

202. Extrajudicial executions of human rights workers, church workers, trade unionists and peasants had actually increased since the fall of the Marcos Government. A tragic example was that of Father Narciso Pico who had been shot dead near his parish on 10 January 1991 by two people who were suspected of having links with the military.

203. Many of the killings seemed to be linked to allegations by the military that a particular group was a front organization for the outlawed Communist Party of the Philippines - a practice known as "red-labelling". For instance, the United Church of Christ in the Philippines, which belonged to her own organization, had been accused of being a Communist front organization in two national newspapers; to date, four pastors of that church had been murdered. Most recently, the Rev. Vizminda Gran and her husband had been killed in their home in front of their children. Her organization endorsed the recommendation of the Working Group to fight against the practice of "red-labelling", particularly by the military, as it led to polarization and confrontation.

204. Many human rights abuses were committed by vigilantes, the Citizens Armed Forces Geographical Units (CAFGUs) and Citizen's Volunteer Organizations (CVOs), even though President Aquino had ordered the dismantling of all vigilante groups. As the Working Group had said, as long as the Government expected the civilian population to play an active and offensive role in counter-insurgency activities, the authorities were shirking their responsibility to preserve law and order and a persistent source of human rights violations was gaining legitimacy.

205. President Aquino herself had admitted, to her credit, that grave human rights problems persisted in her country, but that she was willing to face up to them (E/CN.4/1991/20/Add.1, para. 171). The Commission should therefore urge the Philippine Government to repeal Presidential Decree No. 1,850 to allow military and police personnel to be tried by civil courts, effectively dismantle the vigilante groups and disband CAFGUs and the CVOs, and restrict official powers of arrest, by strictly circumscribing the categories of public officials who might arrest civilians and the offences for which they could do so. The members of the Commission, observer States and non-governmental organizations should work towards the implementation of all

the recommendations of the members of the Working Group on Enforced and Involuntary Disappearances and of the Special Rapporteur on Torture. Her organization also urged the Philippine Government to inform the Commission of the progress it had made in the implementation of the recommendations at its forty-eighth session.

206. Mr. JAZIC (Yugoslavia) said that his country as a State and as the Chairman of the non-aligned movement had from the very outset condemned Iraq's invasion, occupation and annexation of Kuwait. That position had been supported by other non-aligned countries and adopted at the ministerial meeting of non-aligned countries in New York on 4 October 1990. The non-aligned countries had supported Security Council resolution 660 (1990) on unconditional withdrawal from Kuwait.

207. At the same time, his country had tried, together with other non-aligned countries, to bring about a peaceful resolution of the crisis. It had pursued its efforts throughout the military operations for a cessation of the war and for a political solution in compliance with the relevant Security Council resolutions.

208. His delegation was deeply concerned about the mass violations of human rights that were taking place in occupied Kuwait.

209. His Government would continue to strive, in the Commission and elsewhere, for the promotion of co-operation with all participants in the difficult and noble process of recognition and implementation of human rights and fundamental freedoms in all parts of the world. In its opinion, the implementation of all rights and freedoms was an integral process of civil, political, economic, social, cultural and other rights. Yugoslavia did not consider itself to be an island and was constantly promoting human rights and freedoms in compliance with accepted standards as required by its economic development.

210. As a result of radical changes in his country's economic and political system, the Presidency of the Socialist Federal Republic of Yugoslavia and the six constituent republics had begun to harmonize their basic interests and views with regard to a new constitutional order. Efforts were being made in a peaceful and democratic manner to find a solution through joint agreements on the basis of the equality of all Yugoslav peoples and republics.

211. In 1990, free multi-party elections had been held in all the republics with the participation of more than 200 political parties. Following the elections, multi-party parliaments and governments had been formed, and elections for the federal organs were to be held during 1991. Changes made in the federal legislature had included the promotion of private initiative with foreign capital investment.

212. A new criminal law was in the process of being drafted and the legislative, judiciary and executive powers had been separated and depoliticized. Yugoslavia had proposed to all CSCE countries the holding in the Balkan countries of regular censuses with the participation of foreign observers to enable the free expression of citizens. Unfortunately, that proposal had not yet been accepted.

213. The province of Kosovo and Metohija was a constituent part of the Republic of Serbia and Yugoslavia, a fact which was sometimes forgotten with Kosovo being regarded as outside the Yugoslav context.

214. It should be noted that the members of the Albanian minority in Kosovo had boycotted the multi-party elections in Serbia. They had previously refused to make use of the legal possibility of having their political parties registered in the Republic. As a result of the boycott, the representatives of the Albanian minority had not been represented in the multi-party assembly of Serbia and had thus been unable to promote their interests and rights. However, in Macedonia and Montenegro, the Albanians had participated in the elections and had chosen their representatives in their respective parliaments.

215. Many government representatives as well as governmental and non-governmental organizations had visited Kosovo in 1990 and had had freedom of movement. The federal and republican authorities had listened to the comments of the various delegations.

216. The main obstacle to resolving the problem in Kosovo was the activity of the separatist forces who frequently resorted to illegal means. It should be pointed out that a Yugoslav federal programme and the programme of the Republic of Serbia for development in Kosovo were being gradually implemented.

217. With regard to the situation in Albania and the changes that seemed to be leading to a gradual elimination of the totalitarian régime, he said that in the past few months Albanian citizens had been forced to leave their country in order to escape terror and violence. Significant numbers of those citizens had come to Yugoslavia. His country remained concerned about the human rights situation in Albania and believed that only more profound democratic changes in the Albanian society could bring about the implementation of internationally recognized instruments and respect for human rights and fundamental freedoms. It was imperative that Albania should not support or encourage Albanian secessionist forces in Yugoslavia.

218. The issue of national minorities had to be approached, first of all, with the intention of enhancing international co-operation and understanding between peoples and States, with respect for the sovereignty and territorial integrity of States. His country had always stressed that minorities were an important bridge to be used for reaching such a goal. It also believed that there was a growing awareness in the world, and particularly in Europe, of the importance of those issues. The CSCE summit in Paris had clearly expressed its support for the rights of minorities.

219. The democratization processes in Hungary and Romania had brought about positive changes in the policy towards Yugoslav national minorities in those countries. In Hungary, more should be done through legislative and other means to preserve and promote the national identity of Yugoslav minorities. His Government was encouraged by the positive approach of the Romanian authorities towards the Yugoslav minorities in Romania. It hoped that the measures announced would bring about positive results.

220. Unfortunately, there had been no such positive changes in Bulgaria or Greece with regard to the Macedonian national minority. On the contrary, the authorities of both countries seemed to believe that historical facts could be

changed in such a manner that the existence of a minority could be denied through statements or agreements by their Governments. The Macedonian minority had not yet been recognized in Bulgaria, which meant that their members did not have the right to found cultural, political and other organizations. Following the Second World War, the Macedonian minority in Bulgaria had enjoyed a certain number of rights, which had subsequently been terminated. Such a policy might have broader negative consequences on co-operation in the Balkans and was in contradiction with current trends in Europe.

221. It was with regret that he had to draw attention to the fact that the Greek Government was also pursuing a negative policy towards the Macedonian minority. The members of that minority had tried to maintain their cultural identity but had met with resistance on the part of the Greek Government.

222. With respect to the Yugoslav minorities in Albania, the Serbs and Montenegrins had not been recognized as minority groups. While they had numbered more than 100,000 before the Second World War, according to the last official census, their number had been reduced to about 100 persons. The Macedonian minority was officially recognized and its members benefited from certain rights but their number had also been greatly reduced. His delegation saw no reason why all the Yugoslav minorities in Albania should not enjoy their minority rights.

223. The changes carried out in Yugoslavia sought to overcome the current crisis through political negotiations in a democratic spirit and on the basis of the equality of all its peoples in order to establish an efficient and legal State. It should be pointed out that the economic reform was already yielding significant results. As a multinational community since its establishment, Yugoslavia had devoted particular attention to the relations between its nationalities and to resolving problems on a democratic and legal basis.

224. In conclusion, he said that despite significant difficulties and obstacles, his Government remained optimistic with regard to the continued promotion of human rights in the international, regional and national fields.

225. Mr. ALIM (Observer for Sudan), speaking in exercise of the right of reply, said with regard to the statement by the representative of Amnesty International on 20 February 1991, that his Government regularly supplied that organization with lists of detainees who had been released. The fact that his country did not ill-treat detainees had been adequately verified by a mission which had recently visited Sudan. The mission had had access to prisons and had talked to detainees.

226. Trials in Sudan were conducted in compliance with the law. At the same time, in the past few months his country had introduced impressive legal reforms. In March 1991, the Government would organize a national conference on justice and legal reforms. It was confident that the conference would lead to the further promotion of human rights in the country.

227. With regard to the statement by the Commission of Churches on International Affairs, on 20 February 1991, his delegation agreed that internal conflicts had adverse effects worldwide. He also appreciated that

organization's objective understanding of the crisis threatening the Sudan. Nevertheless, his delegation categorically rejected the allegation that his Government used food as a weapon against its own people. In co-operation with the World Food Programme and the Food and Agriculture Organization of the United Nations, his Government had made a thorough evaluation of the situation and had estimated the exact amount of food shortages facing the people. It called on the international community to help it in its efforts to deal with the situation.

228. He stressed that the number of displaced persons in the Khartoum area was 3.5 million and not 1.5 million. He drew attention to the fact that the mission which had visited the country in December 1990 had been to the areas where displaced persons were located near Khartoum. The mission had appreciated the burden shouldered by the Government in dealing with the problem and impressed with the efforts made by it.

229. He assured the organization concerned that reintroduction of the Islamic Shariah laws would in no way lead to any human rights violations. Furthermore, it was the conviction of his people that Islamic laws had at their very core the most profound respect for human rights.

230. His delegation considered the statement by the representative of the Inter-Parliamentary Union to be somewhat unfair. The Secretary-General of the Union had been in constant contact with the Sudanese Government and prompt replies to all his correspondence had been objectively made. The communication between the Secretary-General of the Union had been so fruitful that virtually all the cases involving parliamentarians before the Council of the Union had been discontinued. In his opinion, the representative of the Union should have highlighted such co-operation.

231. The former Prime Minister of Sudan was still under arrest due to his activities inciting violence and armed resistance to the Government. As soon as those activities ceased, he would be released.

232. Former parliamentarians or politicians against whom investigations had revealed no specific criminal charges had all been released. Those against whom specific charges had been made had been given a fair trial and had either been acquitted or properly sentenced.

233. Lastly, with regard to the statement made by an Arab human rights organization, his delegation appreciated its understanding of the situation in Sudan, in particular the reference to the negative impact of the drought while underlining the political pressure in the form of declining foreign food assistance. In view of that organization's objective approach, his delegation was prepared to provide every possible assistance to it with a view to familiarizing it with developments in the Sudan.

234. Mr. ROSALES RIVERO (Observer for El Salvador), speaking in exercise of the right of reply, said that FMLN had made a fallacious statement regarding the human rights situation in El Salvador. No one could doubt the Salvadorian people's desire to achieve peace in the country through a dialogue under the auspices of the Special Representative and on the basis of Security Council resolutions.

235. It was well known that irregular groups were operating in Central America and that State institutions would be jeopardized if those groups were given parity with democratically elected governments. Such action would run counter to the concept of sovereignty and it was absurd for any irregular group to seek to set itself up as an authority.

236. The remarks by the FMLN showed clearly who was putting obstacles in the way of negotiations.

237. In conclusion, with regard to the murder of two United States military personnel who had been travelling over El Salvador in an aircraft entitled to cross the national territory, his delegation was shocked by the FMLN's statement that they had merely died.

238. Mr. KHOURY (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, said, with regard to the statement made by a representative at the previous meeting concerning the situation of Jewish girls in Syria that there was no Jewish problem or question in his country despite all the tendentious Zionist campaigns waged by Zionist organizations for well-known political purposes.

239. In Syria, there was no discrimination among Syrian citizens. The law was the same for all and was applied in the same manner regardless of the person's religion. Syrians of Jewish faith were citizens first and there was no specific law that granted them privileges over other Syrian citizens.

240. There were rules which applied to all Syrian citizens wishing to emigrate regardless of their faith. There were no constraints on the freedom of Syrian citizens of Jewish faith.

241. The Syrian authorities exercised no constraint on Jewish girls with regard to their choice of husbands. If a young girl wished to have a passport, her request was studied in keeping with the relevant statutes and the law was applied to all citizens without discrimination.

242. The efforts made by Zionists to encourage Syrians of the Jewish faith to leave their native country was inspired by the desire to serve racist and aggressive designs.

The meeting rose at 9 p.m.